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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,441	03/09/2004	Michael Harty	D-1222 R2	4488
28995	7590	03/08/2007		
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			EXAMINER MCCLAIN, GERALD	
			ART UNIT	PAPER NUMBER
			3653	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/797,441

Applicant(s)

HARTY ET AL.

Examiner

Gerald W. McClain

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Invention I in the reply filed on 19 January 2007 is acknowledged. The traversal is on the ground(s) that the Action has not shown that the alleged Groups I and II are distinct from each other, but merely that they overlap in scope. This was not found persuasive because prong (2) was satisfied in the restriction in the Examiner's Office Action dated 8 January 2007 and that the inventions are independent due to their different classifications and thereby the fields of search.

The requirement is still deemed proper and is therefore made FINAL.

Applicant's election with traverse of Species B in the reply filed on 19 January 2007 is acknowledged. The traversal is on the ground(s) that the requirement is not legally proper as a reasonable number of species are permitted and that there is no valid explanation as to why the alleged species are independent or distinct. This is not found persuasive because the Examiner has the right to determine the number of reasonable species. However, the Examiner chooses to examine both Species.

The requirement is therefore withdrawn.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show (1) how fastener members [sic] 294 and 296 "can be attached to the dispenser module

Art Unit: 3653

229" (see page 44, lines 12-13 of the specification), (2) how the resilient "spring member 298 produces a force ... against the pivot shaft 290" since it does not appear as if 298 contacts 290 in FIG. 30 (see page 45, lines 2-3 of the specification), and (3) how the pivotable shafts 290 and 294 pivot in an arcing direction with the aid of fastener members [sic] 294 and 296 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because there are no side or section views of FIG. 35 through 38 that would clearly disclose the structures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 44, items 294 and 296 are concurrently referenced as "fastener members" and "retaining members". The items should have only one label to reduce confusion.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: it is not clearly explained that (1) FIG. 31 is the side view of FIG. 32, (2) FIG. 34 is the mating of FIG. 32 and 33, and (3) FIG. 38 is not fully explained.

Appropriate correction is required.

Claim Objections

Claims 2, 7, and 20 are objected to because of the following informalities: "the opposite end" is not clearly disclosed as belonging to the dispenser or the picker shaft. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, line 8, the limitation "a picker roller" is recited. It is unclear if this is the same "picker roller" of the previous line. (Since Claims 2-19 refer to this claim, they are also rejected under 35 U.S.C. 112, second paragraph. Claim 20 is rejected under 35 U.S.C. 112, second paragraph as following Claims 1-19.)

Art Unit: 3653

In Claim 1, lines 12+, the delineation of the separate recitations of the male and female mating portions is unclear.

In Claim 2, line 2, the limitation "a supporting member" is recited. It is unclear if this is the same "supporting member" of the Claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis, et al. (US 6,296,245) ("Donnis") in view of Hiroshi (Japanese Patent 10-025033). Donnis teaches:

Claim 1: picker arrangement (100); automated banking machine media dispenser (column 1, lines 6-11); rotatable picker shaft (28); drive pin (110); picker roller (27); currency cassette (13); drive end (See Fig. 2, bottom end of 28); mating portion (See FIG. G1 below, C); opposite end (See FIG. G1 below, D); supporting member (15b);

Claim 4: portion of a wall (15b; Note: the wall is inherently metal)

Claims 10-11: a stripper arrangement (130); pivotable stripper shaft (59); stripper roller (58; column 4, lines 62-65);

Claim 12: resilient member (124);

Claim 13: metal spring tab (124; the tab is inherently metal); a dispenser body (34);

Art Unit: 3653

Claims 14-15: stripper shaft retaining member (143; column 4, 35+).

Donnis does not directly show:

Claim 1: male mating portion; female mating portion; drive pin mating portion; other of the male mating portion; [other of the] female mating portion.

Hiroshi shows a similar device having:

Claim 1 ("G2"): male mating portion (21); female mating portion (22); drive pin mating portion (drawing 1); other of the male mating portion (23); [other of the] female mating portion (25);

for the purpose of easily replacing a picker roller from the front side of the device (paragraph [0008]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Donnis as taught by Hiroshi and include Hiroshi's similar device having the structures of G2 for the purpose of easily replacing a picker roller from the front side of the device.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis in view of Toda, et al. (U.S. 2003/0006546) ("Toda"). Donnis teaches all the limitations of the claims as discussed above and an opening (location where 28 intersects 15b). Donnis does not directly show a spring tab.

Toda shows a similar device having a spring tab (37; Note: in the Donnis reference the wall is inherently metal: therefore, Toda is only required to teach the structure of the spring tab) for the purpose of facilitating the attachment of a shaft (paragraph [0043]). Therefore, it would have been obvious to a person having ordinary

skill in the art at the time the invention to modify Donnis as taught by Toda and include Toda's similar device having a spring tab for the purpose of facilitating the attachment of a shaft.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis in view of Hiroshi. Donnis teaches all the limitations of the claims as discussed above. Donnis does not directly show an opening extending only partly through the tab.

Hiroshi shows a similar device having an opening extending only partly through the tab (25) for the purpose of regulating rotation (paragraph [0024]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Donnis as taught by Hiroshi and include Hiroshi's similar device having an opening extending only partly through the tab for the purpose of regulating rotation.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis in view of Tanaka, et al. (US 5,863,036) ("Tanaka"). Donnis teaches all the limitations of the claims as discussed above. Donnis does not directly show a pivotable take-away shaft, take-away roller, or a take-away shaft retaining member.

Tanaka shows a similar device having a pivotable take-away shaft (shaft of 78), take-away roller (78), and a take-away shaft retaining member (86; Fig. 7) for the purpose of facilitating the attachment of a shaft (paragraph [0043]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to

modify Donnis as taught by Tanaka and include Tanaka's similar device having a spring tab for the purpose of facilitating the attachment of a shaft.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis in view of Hiroshi, in further view of Toda, and further in view of Tanaka. Donnis teaches all the limitations of the claims as discussed above. Donnis does not directly show all that was taught by Hiroshi, Toda, or Tanaka above.

Hiroshi, Toda, and Tanaka show similar devices having all that was taught by Hiroshi, Toda, and Tanaka above for the purposes shown above. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Donnis as taught by Hiroshi, Toda, and Tanaka and include Hiroshi, Toda, and Tanaka's similar devices having all that was taught by Hiroshi, Toda, and Tanaka above for the purposes shown above.

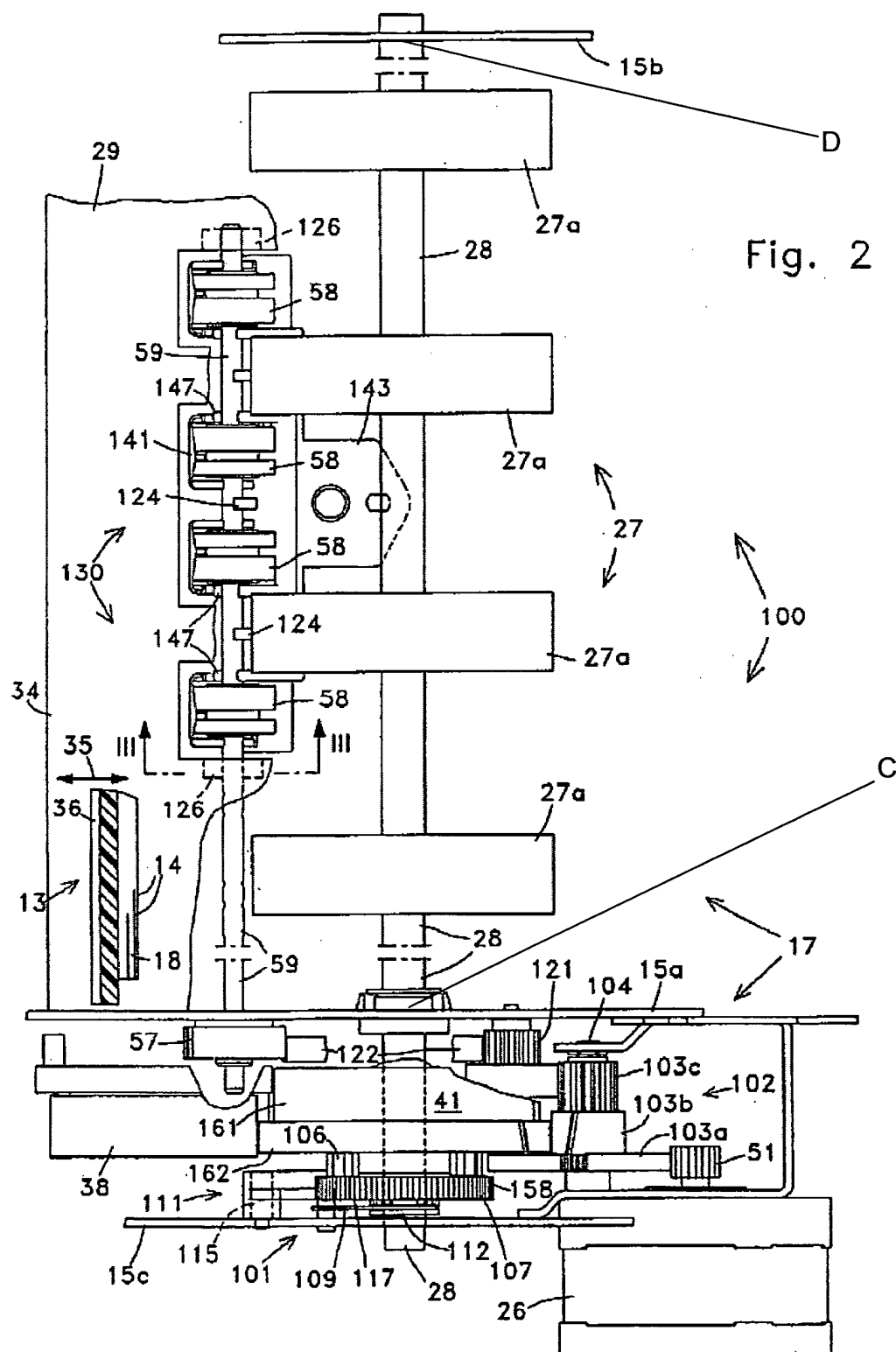


FIG. G1

Art Unit: 3653

Conclusion

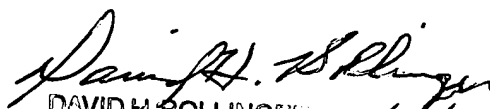
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain
Examiner
Art Unit 3653


DAVID H. BOLLINGER
PATENT EXAMINER
3/5/07